

Draft

Compatibility Determination

Use: Mobile Range Safety System

Refuge Name: Midway Atoll National Wildlife Refuge, Northwestern Hawaiian Island

Establishing and Acquisition Authority(ies):

Midway Atoll National Wildlife Refuge was established in 1988 as an overlay National Wildlife Refuge under a cooperative agreement with the U.S. Navy (Fish and Wildlife Act of 1956; Fish and Wildlife Coordination Act of 1934). Under this agreement, administrative responsibility for the refuge was shared by the U.S. Fish and Wildlife Service and the U.S. Navy. The U.S. Naval Air Facility at Midway was operationally closed in 1993. Facility cleanup was completed in June 1997, when the Navy vacated Midway. Custody and accountability for Midway Atoll were officially transferred from the U.S. Navy to the U.S. Fish and Wildlife Service in May 1996. Executive Order 13022, signed by President Clinton on October 31, 1996, superseded earlier orders that assigned responsibility for Midway to the U.S. Navy.

Refuge Purpose(s):

Midway Atoll Refuge was established pursuant to the Fish and Wildlife Act of 1956 and the Fish and Wildlife Coordination Act of 1934. Pertinent language in those statutes include:

1. "...for the development, advancement, management, conservation and protection of fish and wildlife resources...for the benefit of the U.S. Fish and Wildlife Service, in performing its activities and services." (Fish and Wildlife Act of 1956)
2. "...shall be administered by the Secretary of the Interior directly in accordance with cooperative agreements...and in accordance with such rules and regulations for the conservation, maintenance, and management of wildlife resources thereof, and its habitat thereon." (Fish and Wildlife Coordination Act)

The following additional purposes were included in Executive Order 13022, dated October 31, 1996, which transferred jurisdiction and control over the Midway Islands from the U.S. Navy to the U.S. Department of the Interior:

1. "...maintaining and restoring natural biological diversity within the refuge;
2. providing for the conservation and management of fish and wildlife and their habitats within the refuge;
3. fulfilling the international treaty obligations of the United States with respect to fish and wildlife;
4. providing opportunities for scientific research, environmental education, and compatible wildlife-dependent recreational activities; and

5. in a manner compatible with refuge purposes, recognizing and maintaining Midway's historic significance." (Executive Order 13022)

National Wildlife Refuge System Mission:

The mission of the National Wildlife Refuge System is "...to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans." National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee)

Description of Use(s):

The proposed use is requested by the U.S. Navy to mobilize and test the Mobile Range Safety System (MRSS). The MRSS is designed to electronically interface with military projectiles along their prescribed trajectory. For nine days in late August, the Refuge would serve as the MRSS logistical support center and tracking site for the system test. This military operation would include transporting the self-contained MRSS to Midway by either military aircraft or ocean-going barge. The MRSS would be set up on an existing paved area at Midway's Henderson Airfield and be manned by five military and/or military contracted personnel for nine days. The MRSS electronic tracking equipment consists of two Conex containers housing support equipment, two telemetry antenna (dishes) mounted on trailers, and two Global Positioning System antennas (40 feet in height) mounted on trailer units.

Availability of Resources:

The Refuge would support the proposed use by providing utilities, airfield services, equipment, labor, transportation, and food/lodging at a predetermined cost. All costs associated with this proposed use would be paid by U.S. Navy, and no expenses would be accrued to the Refuge.

Anticipated Impacts of the Use(s):

Potential wildlife impacts could include:

1. Seabirds (albatross, petrels, and shearwaters) striking the antennas and shelters.
2. Seabirds becoming disoriented due to high intensity lighting at night.
3. Seabird strikes with arriving or departing aircraft.

From October 2002 to March 2003 seabird mortality due to an antenna strike was monitored at Midway near the runway at the Nondirectional Beacon (NDB) site. The antenna at the site measures 26 feet in height and has four- 5 foot antenna prongs projecting out in a horizontal plane at the top. The antenna is gray in color and has no anchoring wires. During this time period, 26 adult albatross (approximately 5 birds per month) were killed by impacts with the NDB antenna (U.S. Fish and Wildlife Service, unpublished data). Refuge staff have observed seabirds becoming disoriented due to high intensity lighting around the airport terminal and street lamps. They have also observed bird strikes with both large and small aircraft during take-off and landing operations. Incidences of airplane strikes decrease greatly when operations occur after sunset and before sunrise.

The stipulations included herein would mitigate these effects such that they would be minimal or non-extant.

Public Review and Comment:

The proposed use is expected to result in minimal impacts to the Refuge and its resources. In accordance with the Compatibility Policy (603 FW 2) governing one time uses, a notice of the proposed Compatibility Determination will be posted at the Refuge headquarters for the required 30 days to provide public review and comment. Due to the remote nature of Midway Atoll, a public notice also will be published in a major Honolulu newspaper, the closest media market to Midway. Following the review of public comments, if any are received, they will be incorporated and responded to here as appropriate.

Determination (check one below):

☐ Use is Not Compatible

☒ Use is Compatible With Following Stipulations

Stipulations Necessary to Ensure Compatibility:

In order for this proposed use to be compatible, the following stipulations must be implemented to reduce and or eliminate wildlife and habitat impacts:

1. To reduce seabird strikes, antennas will only be raised as necessary and have 4-foot long orange streamers attached at 3-foot intervals along the antenna shaft to increase visibility to seabirds.
2. To reduce seabirds disorientation from high intensity lighting, lighting should be adequate for safe working conditions but minimized to the extent practical. The use of low intensity lighting of yellow or orange color variations will be required.
3. To reduce seabird strikes with aircraft, aircraft arrival and departures will occur after sunset and before sunrise.
4. The proposed use must occur between August 15 and October 1, 2003, when the fewest number of seabirds are present at Midway.
5. Military and military contract personnel must adhere to Refuge regulations and policies. Refuge staff will provide the pertinent information.
6. Refuge staff will monitor the proposed use work site and activities on a daily basis to ensure that the stipulations are being met.

Justification:

Currently, all the proposed use activities are occurring at Midway's Henderson Airfield such as aircraft operations, high intensity airfield lighting, and aircraft communication equipment transmissions. The level of activities from the proposed use's infrastructure and operation will not materially interfere with or detract from achieving Refuge purpose(s) and National Wildlife Refuge System mission.

The critical biological element that facilitates the proposed use is the project time frame, which directly coincides with resident seabird populations being at their lowest numbers. This greatly minimizes or even eliminates impacts to resident seabirds.

Mandatory Re-Evaluation Date (provide month and year for "allowed" uses only):

_____ Mandatory 15-year Re-Evaluation Date (for priority public uses)

Not Applicable (one time use) Mandatory 10-year Re-Evaluation Date (for all uses other than priority public uses)

NEPA Compliance for Refuge Use Decision (check one below)

☒ X Categorical Exclusion without Environmental Action Statement

_____ Categorical Exclusion and Environmental Action Statement

_____ Environmental Assessment and Finding of No Significant Impact

_____ Environmental Impact Statement and Record of Decision

References Cited

1. Final Environmental Assessment for the Proposed, Refuge Logistics and Operations Support and Public Use Program at Midway Atoll National Wildlife Refuge. (USFWS, April 1996)
2. Henderson Field Airport Midway Atoll, Airport Certification Manual (American Airports Corporation, November 2002)

Refuge DeterminationPrepared by:_____
(Signature)_____
(Date)Refuge Manager/
Project Leader

Approval:

(Signature)_____
(Date)Concurrence:

Refuge Supervisor:

(Signature)_____
(Date)Regional Chief,
National Wildlife

Refuge System:

(Signature)_____
(Date)